

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)  
nchatterjee@orrick.com  
2 DIANA M. RUTOWSKI (STATE BAR NO. 233878)  
drutowski@orrick.com  
3 JESSE CHENG (STATE BAR NO. 259909)  
jcheng@orrick.com  
4 JAMES FREEDMAN (STATE BAR NO. 287177)  
jfreedman@orrick.com  
5 ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
6 Menlo Park, California 94025  
Telephone: +1-650-614-7400  
7 Facsimile: +1-650-614-7401

8 Attorneys for Defendant  
9 NVIDIA CORPORATION

DAVID FINK (pro hac vice)  
7519 Apache Plume  
Houston, TX 77071  
Tel.: (713) 729-4991  
Fax.: (713) 729-4951  
texascowboy6@gmail.com

DUNCAN M. MCNEILL  
1514 Van Dyke Avenue  
San Francisco, CA 94124  
Tel.: (650) 994-2295  
Fax: (650) 994-2297  
dmcneill1@netzero.com  
Fed. Bar No. 136416

Attorneys for the Plaintiff  
FUZZYSHARP TECHNOLOGIES  
INC.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 FUZZYSHARP TECHNOLOGIES, INC,  
16  
17 Plaintiff,  
18 v.  
19 NVIDIA CORPORATION,  
20 Defendant.

Case No. 12-cv-6375-JST

**STIPULATED REQUEST AND  
[PROPOSED] ORDER TO  
RESCHEDULE INITIAL CASE  
MANAGEMENT CONFERENCE**

21  
22  
23 Pursuant to Civil Local Rule 6-2, Plaintiff Fuzzysharp Technologies Incorporated  
24 (“Fuzzysharp”) and Defendant NVIDIA Corporation (“NVIDIA”) respectfully submit this  
25 Stipulated Request to reschedule the initial Case Management Conference set for December 18,  
26 2013 to a later date, if necessary, pending the Court’s resolution of the parties’ dispute as to the  
27 proper disposition of this case. Certain deadlines that trigger off of the initial Case Management  
28 Conference as set forth in the Civil and Patent Local Rules and Federal Rules of Civil Procedure

STIPULATED REQUEST AND [PROPOSED] ORDER  
TO RESCHEDULE INITIAL CASE MANAGEMENT  
CONFERENCE 12-cv-6375-JST

1 will be continued accordingly. No other deadlines should be affected.

2       The only remaining claim against NVIDIA in this case alleges willful, direct infringement  
3 of U.S. Patent No. 6,172,679 ("the '679 patent"). In a recent November 7, 2013 Order in  
4 *Fuzzysharp Techs. Inc. v. Intel Corp*, Case No. 12-CV-04413-YGR (N.D. Cal. filed Aug. 22,  
5 2012) ("*Intel*"), the Court invalidated all asserted claims of the '679 patent. *Intel* Dkt. No. 74  
6 (Order Construing Claim Terms in Dispute and Granting Summary Judgment in Favor of  
7 Defendant Intel Corporation). Consequently, NVIDIA believes this case should be dismissed on  
8 collateral estoppel grounds for the reasons to be set forth in its forthcoming brief. Fuzzysharp has  
9 indicated that it intends to appeal the decision in *Intel* and instead favors a stay of this case  
10 pending that appeal. The parties have met and conferred on this issue and failed to reach an  
11 agreement. NVIDIA therefore intends to file a motion seeking dismissal of this case. Because  
12 the parties believe that this case should be either stayed or dismissed, the parties agree that  
13 rescheduling the Case Management Conference until after NVIDIA's intended motion to dismiss  
14 is heard and decided is in the best interest of the parties and judicial economy.

15       The initial Case Management Conference was originally scheduled for March 22, 2013  
16 (Dkt. Nos. 3 and 10), vacated by the Court's Reassignment Order (Dkt. No. 13), and reset for  
17 March 26, 2013 (Dkt. No. 20). The Court has since rescheduled the Case Management  
18 Conference for May 15, 2013, in response to the parties' first stipulated request, and subsequently  
19 for June 26, 2013, in response to an unopposed motion by Fuzzysharp (Dkt. Nos. 23, 27).  
20 On June 5, 2013, the Court continued the Case Management Conference until August 14, 2013  
21 (Dkt. No. 34). On July 30, the Court granted the parties' stipulated request to reschedule the  
22 Case Management Conference until after resolution of NVIDIA's Motion to Dismiss  
23 Fuzzysharp's Amended Complaint, and rescheduled the Conference to October 23, 2013  
24 (Dkt. Nos. 39-40). On September 30, 2013, the Court granted the parties' stipulated request to  
25 reschedule the Case Management Conference to December 18, 2013, due to scheduling conflicts  
26 of NVIDIA's lead counsel (Dkt. No. 46).

27 ///

In light of the high probability that this case will either be dismissed or stayed as a result of the ruling in *Intel*, the parties respectfully request that the initial Case Management Conference be rescheduled to a later date if still necessary pending resolution of this dispute, subject to the convenience of the Court.

Dated: November 22, 2013

Dated: November 22, 2013

Orrick Herrington & Sutcliffe, LLP

By: /s/ James Freedman  
James Freedman  
Attorneys for Defendant  
NVIDIA CORP

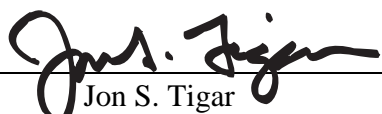
By: /s/ David Fink  
David Fink  
Attorney for Plaintiff  
FUZZYSHARP TECHNOLOGIES INC.

Pursuant to Civil Local Rule 5-1(i)(3), counsel for NVIDIA has obtained the concurrence of Fuzzy sharp's counsel in the filing of this Stipulated Request.

By: /s/ James Freedman  
JAMES FREEDMAN  
Attorneys for Defendant  
NVIDIA CORPORATION

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated: November 25, 2013

  
Jon S. Tigar  
United States District Judge